

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a personal interview with L. Grant Foster, Reg. No. 33,236; on March 29, 2010.

2. The application has been amended as follows:

In claim 1, line 3, after "extended position," insert --relative to a sheath--.

In claim 30, line 1, after "extended position," insert --relative to a sheath--.

In line 4, after "suture," insert --and a suture pusher--. In line 12, after "suture," insert --, suture pusher, --. In line 14, delete "is," and in its place, insert --and the suture pusher are--.

3. The following is an examiner's statement of reasons for allowance: With respect to claims 1-6, none of the prior art of record, alone or in combination, discloses a vascular closure device including, inter alia, first and second needles, a suture, a snare configured to move with the second needle, and a pre-tied knot disposed on the proximal end of the suture, where the snare includes a loop portion configured to grasp the suture after the needles are in an extended position and the first needle and suture extend within the loop portion. With respect to claims 7-12, none of the prior art of

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record, alone or in combination, discloses a vascular closure device including, inter alia, an anchor configured to extend through an opening in a blood vessel, a snare configured to be inserted through a wall of the blood vessel laterally adjacent to the opening, and a suture and needle combination configured to be inserted through the wall of the blood vessel at another location that is laterally adjacent to the opening, where a loop portion of the snare is configured to grasp the suture after the suture and needle combination and snare are inserted through the wall of the blood vessel. With respect to claims 13-18 and 31, none of the prior art of record, alone or in combination, discloses a method of closing an opening in a blood vessel with vascular closure device, the method including, inter alia, inserting a snare into the vessel on a first side of and laterally adjacent the vessel opening, inserting a needle and suture through a wall of a blood vessel on a second side of and laterally adjacent the vessel opening, positioning the needle and suture into a loop portion or wire loop of the snare after inserting the snare and the needle and suture into the vessel, and grasping the suture with loop portion or wire loop of the snare. With respect to claims 21 and 22, none of the prior art of record, alone or in combination, discloses a vascular closure device including, inter alia, a needle, a suture configured to move with the needle from a retracted position and an extended position, a pre-tied knot, and a snare with a loop portion, where the loop portion is configured to pass through a wall of the blood vessel at a first location laterally adjacent to a tissue puncture, where the suture and needle are configured to pass through the vessel wall at a second location laterally adjacent to the tissue puncture, and where the suture and needle are configured to pass through

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the loop portion. With respect to claims 24-29, none of the prior art of record, alone or in combination, discloses a method of closing an opening in a blood vessel with vascular closure device, the method including, inter alia, inserting a needle and suture through a wall of a blood vessel, inserting a snare with a loop portion through the wall of the blood vessel at another location, and positioning the needle and snare within the loop portion, where the suture is grasped with the loop portion after removal of the needle from within the loop portion.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julian W. Woo whose telephone number is 571-272-4707. The examiner can normally be reached on M-TH:6:30-4:00; alt. Fri.: 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tan-Uyen (Jackie) Ho can be reached on 571-272-4696. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Julian W. Woo/  
Primary Examiner, Art Unit 3773